

GUIDELINES FOR WRITING YOUR CONDITIONAL USE PERMIT BURDEN OF PROOF

What is the Conditional Use Permit Burden of Proof?

It is the obligation of the applicant to clearly establish that the proposed project satisfies the following criteria:

CRITERIA A: That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site.
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

HINTS...

- ✓ If you lived next door to the proposed project, what might be your concerns? Discuss how you propose to mitigate those issues.
- ✓ Could your project negatively impact property values? Talk to your neighbors. Your neighbors are the most likely people to oppose. Describe neighbors' concerns and how you propose to address them.
- ✓ Explain why your project is essential or a desirable benefit to the community.
- ✓ Could your project increase noise, odors, dust, glare, create shadows, produce fire hazards, etc.? Explain how you address these concerns. Are there hazardous materials used or produced? Discuss how you will properly handle these materials.

CRITERIA B: That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

HINTS...

- ✓ Explain how your request complies with the Zoning Ordinance or the Community Standards District, as applicable. (planning.lacounty.gov/plans)
- ✓ Give details how your request supports policies and goals of the General Plan or Community Plan, as applicable. (planning.lacounty.gov/plans)
- ✓ Discuss how your project is consistent with the scale, bulk, or density of the surrounding area. Address how the project will be integrated with and complement the neighborhood, including the yards, open space, landscaping, parking and architecture.

CRITERIA C: That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required

HINTS...

- ✓ Often, projects will increase traffic and parking demands. Objections from neighbors and negative testimony frequently results from the applicant's failure to effectively address actual or perceived issues.
- ✓ What are your plans for parking management, vehicular and non-motorized circulation? Discuss how the project will impact existing traffic, parking and the pedestrian environment and your plans to mitigate these impacts.
- ✓ Is your project designed to minimize impacts of traffic on nearby properties? Describe how the project is designed to address these issues.
- ✓ Consider how your project may increase service demands provided by the Sheriff, Fire Dept., or water, sewer, roads, transit, schools, libraries, parks and recreation facilities, etc. Discuss how increased demands for these services are addressed with your project.

Why are my Burden of Proof statements important?

The Hearing Officer or Regional Planning Commission must find, based upon the "Burden of Proof" statements, that the request meets all the criteria listed above. Depending upon the project, there may be additional criteria that should be discussed.

Each conditional use permit application is evaluated upon its own merit, on a case-by-case basis. Therefore, you must provide factual evidence to justify approval. The Hearing Officer or Regional Planning Commission may also consider testimony presented at the public hearing from staff, proponents or opponents.

If you have not provided adequate answers, or enough information to justify approval, your request may be denied. The Hearing Officer or Regional Planning Commission is not obligated to approve your application. The applicant (not staff) must "prove" that the project meets the criteria above. Do not use "yes," "no," or "not applicable" as answers.

Can planning staff help me complete my Burden of Proof statements?

Planning staff is available to help understand the General Plan or community plan policies, zoning criteria, application documents, and to assist the applicant.

Staff refrains from providing technical arguments and cannot complete any portion of the application, on behalf of the applicant. Staff is not permitted to assist in preparing arguments for or against a request.

Applicants may wish to consult with a land-use attorney or consultant prior to submitting an application. Use of an attorney or consultant is at the discretion of the applicant. Staff is not permitted to make a recommendation.